



U.S. Department of Justice

United States Attorney
Southern District of New York

MEMO ENDORSED

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 14, 2006

Via Fax

The Honorable Kenneth M. Karas
United States District Court
Southern District of New York
500 Pearl Street - Room 920
New York, NY 10007

USDC SDNY
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Re: *United States v. Vito Forestler*
05 Cr. 1280 (KMK)

Dear Judge Karas:

On January 13, 2006, at the last status conference in this case, the Court set February 21, 2006 as the deadline for defense motions and excluded time under the Speedy Trial Act until that date. The defendant did not file a motion by February 21, 2006. On March 9, 2006, Roland Thau, Esq., counsel for the defendant, informed me that he intended to seek leave from the Court to file a motion on March 13, 2006. The Government has not received any motion to date and the docket does not reflect that any motion has been filed.

The Court has set March 22, 2006, the original motion return date, as the date for the next status conference in this matter. Accordingly, the Government respectfully requests that time be excluded pursuant to the Speedy Trial Act until March 22, 2006 because the ends of justice served by excluding time under the Speedy Trial Act outweigh the best interests

of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8).

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

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cc: Roland Thau, Esq.
(via fax)

The Court is perplexed that counsel for Defendant let the deadline for the motion slide without leave of the Court, and without seeking permission for a new deadline in a timely fashion. In any event, under the circumstances the Court thinks it is appropriate in the interests of justice to deem the motion to be orally made as of January 13, 2006 and that time is excluded from January 13, 2006 until March 22, 2006.

SO ORDERED

KENNETH M. KARAS U.S.D.J.

3/14/06